

SAN LUIS OBISPO PLANNING DEPARTMENT HEARINGS MINUTES OF THE MEETING OF

April 21, 2006

Minutes of the Regular Meeting of the County Planning Department Hearings held in the San Luis Obispo County Planning and Building Department Conference Room, County Government Center, San Luis Obispo, California, at 9:00 a.m.

The meeting is called to order at 9:00 a.m. by **Kim Murry, Hearing Officer.**

The following action minutes are listed as they were acted upon by the Hearing Officer of the Planning Department Hearings and as listed on the agenda for the Regular Meeting of April 21, 2006, together with the maps and staff reports attached thereto and incorporated therein by reference.

PUBLIC COMMENT PERIOD

James Spencer and Kirsten Spencer; Lieutenant Colonel Keith Lochner; Susan K. Ramos; and Nick Rivera; all speak against Item #1 – S020299N / Old Mission Road - pulled for separate discussion by the Hearing Officer. (See minutes below.)

CONSENT AGENDA:

This item is pulled for separate discussion by the Hearing Officer:

This being the time set for hearing to consider a renaming of County Road #1 to **OLD MISSION ROAD** If approved, all addressable structures with access along this road will be assigned new permanent situs addresses to OLD MISSION ROAD.

County File No. S020299N

Assessor Parcel No: 080-041-035

Supervisory District: 1

Leonard Mansell, Project Manager

Len Mansell, staff, presents project. States the requested name change meets County Ordinance Requirements. He reads a letter from Lynn Brown dated April 17, 2006 listing her reasons for request for denial of the road name change, and reads it into the record.

Susan Ramos, neighbor, discusses private access. Cites different county locations of parcels involved which are in both Monterey and San Luis Obispo Counties. States various concerns including safety to humans, safety to animals, fence damage, theft, harassment, possible noise and speed issues, trash, maintenance of the road – who will maintain, and inconvenience associated with changing the road name due to the many advertising businesses they deal with that use her current address. States she does not want the address change. Discusses ingress and egress. Indicates there are no current residential structures and that she does not wish to see any built. Asks for clarification of which easement is to be re-named. Lieutenant Colonel Keith Lochner, U.S. Army representative for Camp Roberts, indicates Camp Roberts is against the name change. He cites issues with possible increased traffic from private citizens which could be an issue. States if closed off, increased costs would make it economically unviable for the military to train. States the Army is attempting to keep area intact. He discusses other possible negative impacts to the road name change. Kirsten Spencer, neighbor, states she feels the only person that will benefit from this change is Mr. Gutter, the applicant. James Spencer, neighbor, addresses location of gate access to Camp Roberts. He presents various aerial photos for reference and explains each. Mr. Spencer discusses Tank Road. He then indicates CDF currently knows where his property is located, and he feels if the road name is changed, CDF won't know where he is which could be detrimental as they have high fire season where he lives. Indicates he observed Mr. Gutter's property and states there is nothing there. Discusses E911 service. Refers to additional

maps. Refers to King Well and beginning of easement. States it has nothing to do with Tank Road. Refers to two separate roads coming from Nacimiento and Tank Farm Roads. States he is against the road name change. Kirsten Spencer cites her concerns with possible fire hazards and possible changes to current living conditions. Ms. Ramos states there was a fire last year and the CDF knew exactly how and where to access the property to for containment.

John Hofschroer, staff, responds. States he was responsible for setting up the E911 system many years ago. He questions Mr. Mansell on how many parcels there are on private properties that could possibly get building permits. Mr. Mansell states he believes there are only two. He indicates Mr. Gutter does plan on building a house some time in the future. Mr. Hofschroer then asks what the threshold is on the number of houses before we need to rename the road according to our own ordinance. Mr. Mansell states according to the ordinance, when you have to travel over someone's property, you need to name the road. Mr. Mansell indicates the key here is state law, California Resource Code 4290. In 1991 CDF got the state law changed to reflect that if you travel over someone's property, you need to name the road. Indicates that this ties into the E911 system. Mr. Mansell discusses prior access problems. Mr. Hofschroer states the County works closely with all agencies and delivery services to ensure safe access. He adds this is why the county needs clearly defined road names for emergency access. States we are not here just for the applicant but to determine what is best for all.

Kim Murry, hearing officer, questions staff. She indicates that naming the road does not change the easement rights or legal status stating whatever the legal status is, it will remain the same. She asks Mr. Mansell what the legal status of the easement is to Mr. Gutter's property. Mr. Mansell states it is the easement to his property. Lieutenant Lochner states he is not aware of any easement on Mr. Gutter's property and he feels there may be some duplicity here. Hearing officer refers to assessment map. Ms. Ramos presents a marked up parcel map for the record. There is discussion. Mr. Spencer states he has a letter that indicates when Mr. Gutter bought his property he was aware there was no expressed easement. The letter is given to the clerk for the record. Hearing officer asks what part of the road is being named. There is discussion of the various easements to neighboring properties. Asks about Spencers' property and asks clarification of driveway. Mrs. Spencer describes how all three neighbors have access from a private road. She feels Mr. Gutter is mixing things up by referring to the military Tank Road. Hearing officer reviews the map to see just where the roads are and discusses access. States she is uncomfortable proceeding without knowing the legal status of the road. States the idea for naming roads is obviously for safety purposes. She states the County is required to name a road when someone applies for a building permit if it doesn't have direct access to a county road. Hearing officer consults with staff to continue this item. Ms. Ramos presents additional materials for the record.

Thereafter, on motion of the hearing officer, this item is continued to June 2, 2006.

NON-HEARING ITEMS:

This being the time set for hearing to consider a request by **LARRY AND KATHLEEN BISHOP** for a Minor Use Permit/Coastal Development Permit to allow for the demolition of an existing residence and construction of a new single family residence of 5,236 square feet. The project will result in the disturbance of approximately 6,500 square feet of a 6,500 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 1220 Santa Ysabel Road in the community of Los Osos. The site is in the Estero planning area. This project is exempt under CEQA.

County File No: DRC2005-00095

Assessor Parcel Number: 038-072-028

Supervisory District: 2

Date Accepted: March 13, 2006

Ryan Hostetter, Project Manager

Thereafter, on motion of the hearing officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings A through H in Exhibit A and subject to Conditions 1 through 12 in Exhibit B. (Document No. 2006-252)

This being the time set for hearing to consider a request by **ANDREW AND INGRID TURREY** for a Minor Use Permit/Coastal Development Permit to allow the demolition of an existing 250 square foot garage and the construction of a new 1,058 square foot garage with a 450 square foot guesthouse above. The project will result in a site total of 1,875 square feet of footprint and 2,631 square feet of gross structural area. The project will result in the disturbance of approximately 2,500 square feet of a 13,175 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 2230 Wilcombe Drive, approximately 75 feet north of the intersection with Ardath Drive, Lodge Hill, in the community of Cambria. The site is in the North Coast planning area. This project is exempt under CEQA.

County File No: DRC2005-00078

Assessor Parcel Number: 024-041-028 & 034

Supervisory District: 2

Date Accepted: November 15, 2005

Martha Neder, Project Manager

Thereafter, on motion of the hearing officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings A through M in Exhibit A and subject to Conditions 1 through 22 in Exhibit B. (Document No. 2006-253)

This being the time set for hearing to consider a request by **JOSE CERVANTES** for a Minor Use Permit to allow a 1,047 square-foot single-family dwelling with an attached 242 square foot garage on a lot with an existing 1,200 square-foot single family residence. The project will result in the disturbance of approximately 1,676 square feet of a 7,000 square-foot parcel. The proposed project is within the Residential Multi Family (RMF) land use category and is located at 2170 Vista Street in the community of Oceano. The site is in the San Luis Bay planning area. This project is exempt under CEQA.

County File No: DRC2005-00013

Assessor Parcel Number: 062-065-023

Supervisory District: 4

Acceptance Date: March 8, 2006

Michael Conger, Project Manager

Thereafter, on motion of the hearing officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings A through F in Exhibit A and subject to Conditions 1 through 20 in Exhibit B. (Document No. 2006-254)

This being the time set for hearing to consider a request by **DION COFFMAN** for a Minor Use Permit to waive the size and distance limitations for a secondary unit. The proposed project would allow a secondary unit of 1,194 square feet, where ordinance standards would limit the size to 800 square feet. The proposed secondary unit will be located approximately 120 feet away from the primary dwelling unit, where ordinance standards would limit the separation distance to 50 feet. The proposed secondary unit will be located in a portion of the existing barn on the site that has been converted to residential use. The proposed project is within the Residential Rural land use category and is located at 475 Applegate Way, approximately 900 feet south of Pomeroy Road, and approximately 0.8 miles south of the village of Los Berros. The site is in the South County planning area. This project is exempt under CEQA.

County File No: DRC2005-00071

Assessor Parcel Number: 091-073-030

Supervisory District: 4

Acceptance Date: February 23, 2006

Michael Conger, Project Manager

Thereafter, on motion of the hearing officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings A through I in Exhibit A and subject to Conditions 1 through 15 in Exhibit B. (Document No. 2006-255)

This being the time set for hearing to consider a request by **PETER QUAGLINO** for a Minor Use Permit to modify the size and distance limitations for a secondary unit. The proposed project would allow the installation of a 1,200 square-foot mobile home to be used as a secondary unit, where ordinance standards would limit the size to 800 square feet. The proposed secondary unit will be located approximately 155 feet away from the primary dwelling unit, where ordinance standards would limit the separation distance to 50 feet. The proposed project is within the Residential Suburban land use category and is located at 2151 Lopez Drive (northwest side), approximately 400 feet southwest of Hondonada Road, and approximately 1 mile northeast of the City of Arroyo Grande. The site is in the San Luis Bay (Inland) planning area. This project is exempt under CEQA.

County File No: DRC2005-00092

Assessor Parcel Number: 047-182-045

Supervisory District: 4

Acceptance Date: March 9, 2006

Michael Conger, Project Manager

Thereafter, on motion of the hearing officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings A through F in Exhibit A and subject to Conditions 1 through 26 in Exhibit B. (Document No. 2006-256)

This being the time set for hearing to consider a request by **JOHN AND JODI TAYLOR** for a Minor Use Permit to allow a feed store consisting of 1,081 square feet of retail space, 3,070 square feet of enclosed storage, 1,903 square feet of covered hay storage and 5,000 square feet of outdoor display area. The project includes off-site road improvements to State Highway 58 (El Camino Real). The proposed project is within the Commercial Service land use category and is located on the south side of El Camino Real, at the southwestern corner of the intersection of El Camino Real and Estrada Avenue in the community of Santa Margarita. The site is in the Salinas River planning area. Also to be considered at the hearing is will be approval of the Environmental Document prepared for the project. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on February 28, 2006 for this project. Mitigation measures are proposed to address aesthetics, geology, hazards, public services, wastewater and water and are included as conditions of approval. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s).

County File No: D030013P

Assessor Parcel Number: 069-081-002

Supervisory District: 5

Date Accepted: December 13, 2005

Nick Forester, Project Manager

Thereafter, on motion of the hearing officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings A through F in Exhibit A and subject to Conditions 1 through 26 in Exhibit B. (Document No. 2006-257)

This being the time set for hearing to consider a request by **DEAN THOMPSON** for a Minor Use Permit/Coastal Development Permit to allow a residential addition of 181 square feet of living area to the existing 1,492 square foot residence, 37 square feet of storage area, 227 square feet of covered deck and 144 square feet of uncovered deck. The project will result in the disturbance of approximately 500 square feet of a 6,250 square foot parcel. The proposed project is within the Residential Single

Family land use category and is located at 1115 17th Street in the community of Los Osos. The site is in the Estero planning area. This project is exempt under CEQA.

County File No: DRC2005-00122

Assessor Parcel Number: 038-091-036

Supervisory District: 2

Date Accepted: February 3, 2006

Murry Wilson, Project Manager

Thereafter, on motion of the hearing officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings A through H in Exhibit A and subject to Conditions 1 through 14 in Exhibit B. (Document No. 2006-258)

HEARING ITEMS:

This being the time set for hearing to consider a request by **JOHN AND JUDY TRUAX** for a Minor Use Permit/Coastal Development Permit to allow a 2,448 square foot boarding kennel, parking area, and driveway with associated grading activities. The project will result in the disturbance of approximately 35,000 square feet of a 10.62 acre parcel. The proposed project is within the Agriculture land use category and is located at 1825 Quintana Road approximately 1 mile east of the community of Morro Bay. The site is in the Estero planning area. This project is exempt under CEQA.

County File No: DRC2005-00070

Assessor Parcel Number: 073-121-025

Supervisory District: 2

Date Accepted: January 18, 2006

Murry Wilson, Project Manager

MINUTES:

Hearing Officer: Kim Murry

Others: John Truax, applicant; Angela Willis, neighbor; Lou Smith, architect; Russell Banner, neighbor.

Murry Wilson, staff, presents project. Addresses concerns with noise from correspondence received from Mr. Banning who requested this hearing. States he has gone out to the proposed project site. He distributes hand-outs for reference, and explains the reading results from noise decibel tests he personally performed at the property line of the proposed project and those readings he took at an existing kennel facility that has outdoor dog runs. Explains current County noise decibel requirements and refers to a map. He then indicates on the map where the facility will be and the levels of noise from various reading locations. Discusses noise sources. He states staff is recommending approval.

John Truax, applicant, states he has no additional comments at this time but may comment later.

Russel Banner, neighbor, cites his concerns. He reads from written testimony. He indicates concerns from potential noise for him and his neighbors. He says he purchased the property because of the quiet nature and beauty of the surroundings. He discusses absence of protective barriers between the kennel and his property. He has concerns with outside dog runs, and dogs being allowed outside at night. He mentions concerns with Finding B, stating the proposed use does seem to conflict with agricultural use because it is a commercial enterprise, not agriculture. He cites Finding D, indicating he feels the kennel is detrimental to surrounding properties, and feels it will generate activity that will be injurious to the value of the property. Regarding Finding E, Mr. Banner feels this is incorrect and that the site does have residential uses in the immediate vicinity or he wouldn't be here today. On Finding I, Mr. Banner feels the proposed project will conflict, as the surrounding area is agriculture and grazing land. He then states he tentatively objects to Findings A, C, G and H pending further research and possible court challenge of the project. Mr. Banner indicates he's lived in his house three years, and has noticed a general disregard for the quiet and sanctity of such a beautiful area. States the new owner to the south of him has a construction business which he operates from his house, including use

of large trucks and earth-moving equipment, all non-agricultural vehicles of which he believes are in violation of local ordinances. He voices his objection to the proposed project.

Lou Smith, architect, responds. She concurs with staff's report. Ms. Smith indicates there have never been any complaints regarding Mr. Truax's kennel. She states perhaps the project can be mitigated so everyone will be happy. States she believes the noise will not reach Mr. Banner's property, but is willing to mitigate the conditions to help the situation.

Mr. Truax states he was initially concerned with how the kennel would look and built it to address those concerns to keep it looking nice. He indicates he took down outdoor lighting when confronted about it. He explains the dogs are kept indoors at night. He indicates the noise issues affect him also, and that he will move the dogs from one location to another to avoid noise issues. He encourages Mr. Banner to call any time he might hear the dogs to bring it to his attention so he can remedy the situation, if necessary.

There is discussion of the location of the outdoor exercise area.

Hearing officer asks about proposed landscaping on the southwest side of the proposed project and whether it has been conditioned to help alleviate noise.

Murry Wilson, staff, states it is currently conditioned for view from the highway. He indicates they could include conditioning for additional landscaping needs. Mr. Wilson also proposes conditioning for specific times the dogs may be outside. He asks Mr. Truax to respond to how many dogs maximum would be at the facility at a time.

Mr. Truax indicates there would be 20 dogs total, but only 10 in the dog runs on either side at a time.

Mr. Banner asks if the south side could be eliminated entirely for use as dog runs. There is some discussion.

Hearing officer asks Mr. Banner if he has heard the dogs at night. Mr. Banner states he has not heard them at night.

Lou Smith, architect, comments that the freeway makes ambient noise at all times. Feels this would cover some of the noise that the kennel would make. States it would be detrimental to the facility to remove the south side access for dog runs.

Hearing officer indicates she wants the south side conditioned for further landscaping to absorb any possible noises. She states she wants the dogs inside at night. She then requests a condition be added for a review after 6 months to mitigate any noise concerns from the neighborhood at that time.

Mr. Truax again invites Mr. Banner to phone if he does hear any noise.

Mr. Banner states he is merely concerned with conditions to alleviate the noise on the south side.

Hearing officer states there is an enforcement department to address any additional concerns that might warrant the need.

Murry Wilson, staff, reads a proposed new condition to address future review of the project.

Ms. Smith indicates she would rather change the proposed new condition to include “***if there is a noise complaint***” so an unnecessary noise test would not have to be performed if no complaints were received.

There is brief discussion regarding trees.

Thereafter, on motion of the hearing officer, the Minor Use Permit/Coastal Development Permit is granted based on Findings in Exhibit A and subject to Conditions 1 through 17 in Exhibit B with changes to Condition #7 to include at the end: “Additional landscape buffering shall be developed along the south side of the proposed kennel to screen the use from properties to the south”; with the addition of Condition #18 to read: “All dogs shall be kept inside the kennel facility between the hours of 7 P.M. to 8 A.M.”; and, with the addition of Condition #19 to read: “If noise complaints are received, within 3 months of the start of kennel operations (and 6 months if the kennel is not at maximum occupancy at 3 months), the applicant shall perform an acoustical analysis to determine if the noise levels from barking dogs exceeds the maximum allowable noise levels established in the noise element. Readings shall be taken in daytime and night time hours. If the acoustical analysis determines that the kennel operation is exceeding the maximum thresholds established in the noise element, then the applicant shall submit a proposal to address noise for review and approval by the Planning and Building Department. The approved noise mitigation shall be implemented within 60 days of County approval (if necessary). (Document No. 2006-259)

This being the time set for hearing to consider a request by **RODNEY SCHMIDT** for a Lot Line Adjustment to adjust the lot lines between four parcels of 19.3, 40.0, 154.9, and 160 acres each. The adjustment will result in four parcels of 20.0, 40.0, 111.6, and 202.6 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agriculture land use category and is located approximately 1 mile east of the intersection of Upper Los Berros Road and Litahni Road, approximately 8 miles east of the City of Arroyo Grande. The site is in the South County (Inland) planning area. This project is exempt under CEQA.

County File Number: SUB2004-00257

Assessor Parcel Number: 048-121-050,051,052

Supervisory District: 4

Date Accepted: June 15, 2005

Brian Pedrotti, Project Manager

MINUTES:

Hearing Officer: Kim Murry

Others: Tami Poe, Vaughan Surveys; Gary Gracia, friend of applicant.

Brian Pedrotti, staff, presents project.

Tami Poe, Vaughn’s surveys, has no comments but is here for any questions.

Thereafter, on motion of the hearing officer, the Lot Line Adjustment is approved based on Findings A through D in Exhibit A and subject to Conditions 1 through 10 in Exhibit B. (Document No. 2006-260)

There being no further business to discuss, the hearing is adjourned at 10:36 A.M.

Respectfully submitted,
Mary Velarde, Secretary
Planning Department Hearings

